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PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

**DIRECTOR OF TOWN AND COUNTRY PLANNING
ANDHRA PRADESH : : MANGALAGIRI**

Procdgs.Roc.No.499250/2021/M2.

Date: 26-07-2021.

Sri K.V. R SUDHEER, TPS, RAMACHANDRAPURAM MUNICIPALITY - UN-AUTHORISED ABSENCE FROM OFFICIAL DUTIES w.e.f 14-07-2016 TILL 30-10-2018 WITHOUT PROPER SANCTION OF LEAVE / PERMISSION FROM THE COMPETENT AUTHORITY - DEPARTMENTAL DISCIPLINARY ACTION INITIATED - ARTICLES OF CHARGES ISSUED - WRITTEN STATEMENT OF DEFENCE SUBMITTED - POSTED FOR INQUIRY - REPORT SUBMITTED - COMMUNICATED INQUIRY REPORT ON CO - IMPOSITION OF PUNISHMENT OF '**REMOVAL FROM SERVICE**' UNDER CLAUSE (IX) (a) OF RULE 9 OF APCs (CCA) RULES 1991 R/W G.O.MS.NO.127, GAD (SER-C) DEPARTMENT, DT: 15-9-2017.

- Read : 1. G.O.Ms.No.568, MA (B2) Dept. Dt: 23-05-1981.
2. G.O.Ms.No.348, MA (B2) Dept. Dt: 20-07-2013.
3. G.O.Ms.No. 194, GAD (SR) Dept., dt: 29-5-2014.
4. Lr.Roc.No.882/2016/C1, dt: 31-10-2016 of the Commissioner, Ramachandrapuram Municipality.
5. T/o. Memo Roc.No. 5464/2016/M2, dt: 29-11-2016.
6. T/o. Lr.Roc.No. 5464/2016/M 2, dt: 30-12-2016.
7. Lr.Roc.No.5464/2016/M2-1, dt: 16-3-2017 add. to Commissioner, Printing & Stationary & stores purchase, Krishna District.

8. T/o.Memo No. 5464/2016/M2, dt: 11-2-2019 add. to RDDTP., Rajamahendravaram to enquire into the matter and to submit report.
9. Lr.Roc.No. 751/2018/S dated: 13-3-2019 of the RDDTP, Rajamahendravaram (Inquiry Report).
10. T/o. Charge Memo No. 5464/2016/M3, dt: 13-6-2019.
11. Written statement of defense dt: 5-6-2019 of Sri KVR Sudheer, TPS.
12. T/o. Prcodgs.Roc.No. 5464/2016/M2-1&2 , dt: 3-10-2019.
13. Inquiry Report submitted by Inquiring Authority vide Lr.Roc.No. 751/2018/S, dt: 6-3-2021.
14. T/o. Memo. Roc.no.5464/ 2016/ M2 (499250), Dt: 01-04-2021.
15. Written representation dt: 19-4-2021 of Sri K. V. R Sudheer, TPS , Ramachandrapuram Municipality.

ORDER:

Whereas under Rule 20 of A.P. Civil Services (CCA) Rules, 1991, departmental disciplinary action has been initiated against Sri K. V. R Sudheer, TPS and Articles of charges issued vide charge memo read (10) above for his unauthorized absence from the official duties without proper leave or permission from the competent authority.

Following are the charges issued against said TPS:-

1. The Sri KVR Sudheer, Town Planning Supervisor, Ramachandrapuram Municipality has unauthorizedly absence from official duties without proper leave or permission from the competent authority, causing much dislocation of work, thereby creating administrative inconvenience.
2. That the aforesaid Officer has disobeyed the orders of the competent Authority and there held responsible for the same.
3. That the aforesaid Officer has not acted upon inconformity with rule 3 of APCS (conduct) rules 1964, and thereby held responsible for the same.

And whereas the charged officer has submitted his written statement of defence read (11) above, giving his explanation/defense on the charges issued against him.

And whereas, the disciplinary authority after careful examination of the case and Under sub-rule (2) of Rule 20 of APCS (CCA) Rules, 1991 has posted the matter for inquiry by appointing Sri.Y.P.Ranganayakulu, RDDTP, Rajamahendravaram as Inquiring Authority and Sri P. Madhu Kumar, ADTP, as Presenting Officer vide t/o proceedings read (12) above to inquire into the charges against the Charged officer.

And whereas, the Inquiring Authority vide reference read (13) above has submitted his inquiry report and made following observations :

- i. The charged Officer has joined duty as TPS on 7-4-2016 at Ramachandrapuram and has discharged his duties continuously for three months i.e., 7.4.2016 to 13.07.2016 and initially has applied for CLs from 14.07.2016 to 20.07.2016 and the M.C. has rejected his CLs as applied. As the individual has not turned up, the RDDTP, Rajamahendravaram vide Cir. Memo Roc.No. 500/2016/S, dt. 22.07.2016 has issued directions to Sri KVR Sudhir, TPS to report before the Commissioner, Ramachandrapuram Mplty immediately. But, Sri KVR Sudheer, TPS has applied leave from 23.07.2016 to 22.08.2016 i.e., for one month with a reason that his mother was expired on late night of 22.07.2016 while undergoing medical treatment and also extended his leave from 23.08.2016 to 12.09.2016 stating the reasons that he was suffering from severe dental pain and teeth sensitivity and extended leave from time to time causing dislocation of work. Keeping in view this office has rejected the leave applied for by the individual on administrative grounds vide this office memo No. 5464/2016/M2, dt. 29.11.2016 with a direction to report for duty at Ramachandrapuram Municipality immediately. He has been reminded in the matter vide this office Memo No. 5464/2016/M2, dt. 2.2.2017. In spite of the same, the charged officer keep on extending his leave from 13.09.2016 to 30.10.2018 and has reported to duty on 31.10.2018, but he has not applied any leave for the period from 4.5.2018 to 30.10.2018 i.e. for five months and the M.C. has permitted the individual to join him duty from 31.10.2018 FN vide his Proc., dated: 31.10.2018.
- ii. The leave letters and the Medical Certificates submitted by Charged Officer referred to Medical Board by the Municipal Commissioner, Ramachandrapuram Municipality for genuinity of leave and the Medical Board, Kakinada vide Lr.Roc. No.7004/G1/2016 dt. 6-2-2017 has issued notice to attend the Charged Officer on 06.02.2017. But, the charged Officer has not turned up to attend before medical Board.
- iii. The Charged Officer has joined duty on 31.10.2018 and the Municipal Commissioner, Ramachandrapuram Municipality, has permitted him to join duty on 31-10-2018 without submission of Fitness Certificate.
- iv. The Charged Officer went on leave for more than 2 years on various grounds without submitting medical certificates from the concerned authorities and also failed to attend before Medical Board, Kakinada, even though the Municipal Commissioner, Ramachandrapuram Municipality sent a letter through registered post, which was returned as the Charged Officer was not available. The medical certificates received only on 10.12.2020 nearly after a period more than 4 years, which shows his gross negligence and disobedience of the orders of the competent authority.
- v. After above unauthorized absence, the Charged Officer has once again applied for leave for a period from 02-02-2019 to 04-08-2019 without any intimation and joined duty on 5-8-2019 as per Lr.Roc.No. 18/2017/C1, dt: 5-8-2019 of Commissioner, Ramachandrapuram Municipality.

And whereas, the Inquiring Authority while making above observations has held following charges as Proved against the charged officer :

Charge No.I	-	Proved
Charge No.II	-	Proved
Charge No.III	-	Proved

And whereas, under Rule 21 of APC5 (CCA) Rules, 1991, the copy of Inquiry Report has been sent to the charged officer vide Memo read (14) above.

And whereas the charged officer has submitted his written representation on the Inquiry Report vide (15) above, while making his submissions therein and referring certain citations of the Hon'ble Court of Laws at the conclusion has stated that keeping in view of the anvil of law all the charges leveled against him are false and untenable in the eyes of law and requested the disciplinary authority to discharge him from the charges.

And whereas the matter has been examined with reference to the charges framed against charged officer, written statement of defense of charged officer, findings of the Inquiring Authority and finally the written representation of the charged officer on the Inquiry report and made an observation that the Charged Officer went on leave for more than 2 years on various grounds without prior permission of the concerned authority(s) and also failed to attend before Medical Board, Kakinada, even though the Municipal Commissioner, Ramachandrapuram Municipality sent a letter through registered post, which was returned as the Charged Officer was not available. The medical certificates received only on 10.12.2020 nearly after a period more than 4 years, which shows his gross negligence and disobedience of the orders of the competent authority. The unauthorized absence of charged officer for a continuous period of more than 2 years has resulted in much dislocation of work at his place of posting thereby causing administrative inconvenience to the department as well to the Government. The charged officer has not acted upon in conformity with rules, which attracts the provision under clause (ix) (a) of Rule 9 of APCS (CCA) Rules 1991 r/w G.O.Ms.No.127, GAD (Ser-C) Department, dt.15-9-2017 "provided that a government servant shall be deemed to have been removed from service, if he/she: a) Is absent from duty without authorization for a period exceeding one year".

Therefore the following orders are issued :

Now, therefore, in exercise of the powers conferred on the Director of Town and Country Planning, Government of Andhra Pradesh vide orders of the Government issued in G.Os read (1) & (2) above, under clause (ix) (a) of Rule 9 of APCS (CCA) Rules 1991 r/w G.O.Ms.No.127, GAD (Ser-C) Department, dt. 15-9-2017, hereby impose a punishment of '**Removal from Service**' with immediate effect against Sri K.V. R Sudheer, TPS since said TPS was absent from official duties without authorization for more than 1 year.

V. RAMUDU,

Director of Town and Country Planning.

To

Sri K.V. R Sudheer, TPS,

through the Commissioner, Ramachandrapuram Municipality.